

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TREVOR BENJAMIN,
Petitioner

v.

JERRY MARTINEZ,
Respondent

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No. 4:09-CV-1142

Judge John E. Jones III

MEMORANDUM

July 6, 2009

By order of June 16, 2009 (Doc. 3), the Court construed petitioner Trevor Benjamin's initial pleading in this matter as a petition pursuant to 28 U.S.C. § 2241, denied his application to proceed *in forma pauperis*, and directed him to pay the required filing fee.

Benjamin has paid the filing fee (Doc. 5) and has also filed a submission entitled "Petitioner's Statement of Intent", which attempts to clarify the relief sought in this action (Doc. 4). Benjamin states that he seeks only an order allowing DNA paternity testing while he is incarcerated at the Allenwood Low Security Correctional Institution ("LSCI-Allenwood"). He states that he will pay all costs related to the testing and that prison staff has assisted inmates with such

testing in the past, but has advised him that a court order allowing the testing is required.

Taking at face value the representations made by petitioner in his submissions, his affidavit attached to the petition, and the submission of Delinda White, the child's mother, in support of Benjamin's petition, the Court will grant the petition and issue an order permitting DNA paternity testing to occur.

Benjamin must pay for the costs of any such testing and all related expenses. In addition, any such testing will be entirely subject to the regulations, policies, and procedures of the Federal Bureau of Prisons and LSCI-Allenwood and conducted at the complete discretion of the LSCI-Allenwood warden. An appropriate order will be entered.